IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1251 OF 2006

Anthony Yadu Pawar. ...Applicant
V/s.
The State of Maharashtra. ...Respondent

Shri Taraq Sayed for Applicant.
Ms.S.D. Shinde, APP for the State.

CORAM : V.M. KANADE, J.

DATED : APRIL 17, 2006

P.C. :-

. Heard learned Counsel for the applicant and learned APP for the State.

. The applicant takes exception to the order passed by the Sessions Court dated 30th January, 2006 whereby he was directed to be released on bail on executing a P.R. bond of Rs.1 lakh and surety in the like amount. The Sessions Court also imposed an additional condition that he should deposit an amount of Rs.5 lakhs in the trial Court.

2. Learned Counsel for the applicant submits that the Sessions Court had erred in imposing the said

condition as the condition precedent for grant of bail.

3. Learned APP, on the other hand, vehemently opposed the said application and submitted that the applicant alongwith others have defalcated the amount of Rs.32 lakhs from various persons on the pretext of giving them jobs at the Airport.

4. In the present case, almost all the other accused have been released on bail. According to me, the condition of deposit of Rs.5 lakhs imposed by the Court practically amounts to denying bail to the present applicant. It is well settled that while granting bail, the conditions the performance of which is impossible should not be imposed as it practically amounts to denying bail to the applicant. It was always open for the Court either to grant bail or reject his application for bail. In the present case, after having come to the conclusion that the applicant was entitled to be released on bail, the Sessions Court has proceeded to impose the aforesaid condition.

5. In my view, the said condition, therefore, will have to be relaxed. The order passed by the Sessions Court, therefore, is modified and the condition of deposit of Rs.5 lakhs in the trial Court is waived. For the same reason, the condition of furnishing P.R. Bond Rs.1 lakh as surety is modified and the applicant may furnish bond in the sum of Rs.15,000/- with one or two sureties in the like amount. The applicant shall, however, report to the Investigating Officer once in a week. The rest of the conditions are maintained.

. The application is disposed of in the above terms.

(V.M. Kanade, J.)